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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
ACE SHAKE COMPANY,)
)
Appellant,)
)
vs.)
)
OLYMPIC AIR POLLUTION)
CONTROL AUTHORITY,)
)
Respondent.)

PCHB No. 300

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

A formal hearing on the appeal of Ace Shake Company to a Notice of Civil Penalty of \$250.00 for an alleged smoke emission violation came on before the Board, all members present, with Walt Woodward presiding on June 14, 1973 in Lacey, Washington.

Appellant not appearing at 10:00 a.m., the time for which the formal hearing was scheduled to commence, the hearing was held in recess until 10:30 a.m. at which time neither appellant nor any representative appeared. Respondent appeared by and through its attorney Fred Gentry.

Having heard the testimony and being fully advised, the Board makes

1 the following:

2 FINDINGS OF FACT

3 I.

4 On February 8, 1973 near Humptulips, Washington appellant caused
5 or allowed smoke to be emitted from its waste-wood burner for 80
6 consecutive minutes of a shade darker than Number 2 on the Ringelmann
7 Chart, namely a Ringelmann Number 3.

8 II.

9 Section 10.01 of respondent's Regulation 1 makes it unlawful to
10 cause or allow the emission to the outdoor atmosphere for more than
11 15 minutes in any consecutive eight hours of a gas stream containing
12 air contaminants which is darker in shade than that designated as
13 Number 2 on the Ringelmann Smoke Chart.

14 From which comes these:

15 CONCLUSIONS

16 I.

17 Appellant was in violation of Section 10.01 of respondent's
18 Regulation 1.

19 II.

20 The civil penalty of \$250.00 is reasonable.

21 From which follows the Board's

22 ORDER

23 The appeal is denied and the civil penalty is affirmed.
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27

1 DONE at Lacey, Washington this 3rd day of July, 1973.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward

4 WALT WOODWARD, Chairman

5 W. A. Gissberg

6 W. A. GISSBERG, Member

7 James T. Sheehy

8 JAMES T. SHEEHY, Member

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